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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,329	07/23/2001	Michel Bruvry	109854	9242

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/868,329

Applicant(s)

BRUVRY, MICHEL

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-46 is/are pending in the application.
- 4a) Of the above claim(s) 44-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/18/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

This is the third office action for application number 09/868,329, Device for Fixing a Manifold for Fluid Distribution, filed on July 23, 2001.

Election/Restrictions

Newly submitted claims 44-46 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 44-46 positively recited the manifold as an element of the claimed invention, however, the originally elected claims 1-5 and 12-15 were drawn to a clamp only wherein the manifold was merely for intended use

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 44-46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "a fastening means" in line 2 of claim 38, "matching means" in line 2 of claim 38, "a locking means" in line 3 of claim 38, "a loose proof manner," in

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line 2 of claim 39, "a fixed securing tab" in line 2 of claim 40, and "a fastening device" in line 2 of claim 42.

Claim Objections

Claim 29 objected to because of the following informality: "right angles" in line 3 should be --a right angle--. Appropriate correction is required.

Applicant is advised that should claim 42 be found allowable, claim 43 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 30-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites the limitation "each pivoting screw" bridging lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. The original recitation of the term is drawn to "a screw" in line 3 of claim 29.

In regards to claims 31 and 33-36, line 1, it is not certain what the term "it" is referring and thus, the claims are indefinite.

Claim 31 recites the limitation "a pivoting screw" bridging lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "a manifold" bridging lines 2 and 3 of the claim is intended to refer to the original recitation of the term "a manifold" in line 1 of claim 29. Applicant is suggested to change the latter recitation to either --said manifold-- or --the manifold--.

Claim 33 recites the limitation "the two ends" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "a pivoting screw," bridging lines 1 and 2 of the claim is intended to refer to the original recitation of the term "a screw" in line 3 of claim 29.

Claims 35 and 36 recite the limitation "the two ends" in line 2. There is insufficient antecedent basis for this limitation in the claims.

Regarding claim 38, the word "means" is preceded by the word(s) "matching" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-32, 34, 38, 39, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,894,707 to Heard. Heard discloses a clamp capable of supporting a manifold for fluid distribution, the clamp comprising: a supporting plate (22), at least one pin (36) into which a screw/locking means (38) is screwed at right angles and is mounted to the plate; wherein the screw is captive-mounted; a fixed clamping tab//fastening means/a fixed securing lug (24) opposite the screw; and wherein the fixed clamping tab includes a central portion (26) of reduces width.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-32, 34, and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,876,027 to Sulmonetti in view of U.S. Patent 3,565,468 to Garrett. Sulmonetti discloses a clamp (12) capable of supporting a manifold for fluid

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distribution, the clamp comprising: a supporting plate (18); at least one pin (21) attached to a screw (20) at right angles and is mounted to the supporting plate; wherein the screw is captive-mounted; a fixed clamping tab (19) opposite the screw; wherein the clamping tab has a central portion of reduced width; and wherein the screw is mounted in a loose proof manner.

Sulmonetti discloses the claimed invention except for the limitation of the screw being screwed into the pin. Garrett teaches a clamp having at least one pin (21) having a screw (15) screwed into the pin at a right angle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the pin and screw arrangement separable as taught by Garrett as opposed to integral for the purpose of providing an alternative and mechanically equivalent means for clamping an object on the clamp and since such a modification would not have produced any unexpected results.

Claims 29, 30-33, 35-38, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Publication 29810680, hereinafter German Publication '680 in view of Sulmonetti and in further view of Garrett. German Publication '680 discloses a clamp (1) capable of supporting a manifold for fluid distribution, the clamp comprising: a supporting plate (2); a screw (9) for attaching ends of a clip (6) attached to the supporting plate; and a double clamp formed of a bent metal strip (3) and having a clamp at two ends.

German Publication '680 discloses the claimed invention except for the limitation of at least one pin and a screw screwed into the pin at a right angle, the screw being a

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pivoting screw. Sulmonetti teaches a plurality of clamps (12, 13) having supporting plates (18), and at least one pin (21) integral with a screw (20), and a clamping tab (19) having a central portion of reduced width for supporting an object. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the clamp in German Publication '680 to have included the clamps as taught by Sulmonetti for the purpose of providing an easier, more efficient, and mechanically equivalent means for clamping an object.

German Publication '680 in view of Sulmonetti discloses the claimed invention except for the limitation of the screw being screwed into the pin. Garrett teaches a clamp having at least one pin (21) having a screw (15) screwed into the pin at a right angle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the pin and screw arrangement separable as taught by Garrett as opposed to integral for the purpose of providing an alternative and mechanically equivalent means for clamping an object on the clamp and since such a modification would not have produced any unexpected results.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,760,458 to Weber

U.S. Patent 3,507,314 to Zartler

U.S. Patent 4,445,657 to Breckenridge

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U.S. Patent 4,799,641 to Koreski

U.S. Patent 5,213,298 to Johnson

U.S. Patent 6,793,186 to Pedersen

Weber discloses a support having a pivoting screw attached to a clamping member.


Zartler discloses a self-locking barrel nut used in combination with a screw for clamping an object. Breckenridge, Koreski, and Pedersen all disclose various types of mounting assemblies having a pivoting screw attached to a pin. Johnson discloses a U-shaped mounting bracket having a clamp attached to one end thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

August 5, 2007